



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Unsecured Creditors of Shapes/Arch Holdings L.L.C., et al.

In re:

SHAPES/ARCH HOLDINGS L.L.C., et al.,

Debtors.

Chapter 11

Case No. 08-14631
(Jointly Administered)

Judge: Hon. Gloria M. Burns, USBJ

Hearing Date: May 5, 2008 at 10:00 a.m.

**ORDER, PURSUANT TO SECTIONS 105(a), 107(b) AND 1102(b)(3)(A) OF THE
BANKRUPTCY CODE, CONFIRMING THAT THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS IS NOT REQUIRED TO PROVIDE GENERAL
ACCESS OR TO GENERALLY DISCLOSE (A) CONFIDENTIAL INFORMATION
OF THE DEBTORS OR (B) PRIVILEGED INFORMATION**

The relief set forth on the following pages, numbered two (2) through five (5), is
hereby ORDERED.

DATED: 5/9/2008


Honorable Gloria M. Burns
United States Bankruptcy Court Judge

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Debtor: SHAPES/ARCH HOLDINGS L.L.C., et al.
Case No. 08-14631(GMB)
Caption of Order: ORDER, PURSUANT TO SECTIONS 105(a), 107(b) AND
1102(b)(3)(A) OF THE BANKRUPTCY CODE, CONFIRMING
THAT THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS IS NOT REQUIRED TO PROVIDE GENERAL
ACCESS OR TO GENERALLY DISCLOSE (A)
CONFIDENTIAL INFORMATION OF THE DEBTOR OR (B)
PRIVILEGED INFORMATION

Upon the Motion of the Official Committee of Unsecured Creditors (the
“Committee”), Pursuant to Sections 105(a), 107(b) and 1102(b)(3)(A) of the Bankruptcy
Code for an Order Confirming that the Committee is not Required to Provide General
Access or Otherwise Generally Disclose (A) Confidential Information or (B) Privileged
Information (the “Motion”);¹ and the Court having reviewed the Motion and having
considered the statements of counsel and the evidence adduced with respect to the Motion at
a hearing conducted before the Court (the “Hearing”); and no objections to the Motion
having been filed; and the Court having found that (a) the Court has jurisdiction over this
matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core matter pursuant to 28 U.S.C.
§§157(b), (c) notice of the Motion and the Hearing was sufficient under the circumstances,
and (d) in light of the circumstances, the requirements of Local Rule 9013-2 that a separate
memorandum of law be filed in support of the Motion is waived; and the Court having
determined that the legal and factual bases set forth in the Motion and at the Hearing
establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as provided herein.

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the supporting application.

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2. For the purposes of this Order, the term “Confidential Information” shall mean any nonpublic information of the Debtors, including, without limitation, information concerning the Debtors’ assets, liabilities, business operations, business practices, business plans, intellectual property and trade secrets, financial projections, financial and business analyses and compilations and studies regarding the foregoing, and other documents prepared by the Debtors or their advisors or other agents, which are furnished, disclosed or made known to the Committee, whether intentionally or unintentionally and in any manner, including in written form, orally or through any electronic, facsimile, or computer related means of communications. Confidential Information shall include, without limitation: (a) any notes, summaries, compilations, presentations, memoranda or similar written materials disclosing or discussing the Confidential Information; (b) any written memoranda or similar written materials disclosing or discussing the Confidential Information; and (c) any Confidential Information conveyed to the Committee orally that the Debtors or their advisors or other agents advise the Committee should be treated as Confidential Information. Notwithstanding the foregoing, Confidential Information shall not include any information that (a) is or becomes generally available to the public or is or becomes available to a Committee member on a non-confidential basis, in each case to the extent such information became so available other than by a violation of a contractual, legal or fiduciary obligation to the Debtors; or (b) was in the possession of the Committee prior to its

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disclosure by the Debtors and is not subject to any other duty or obligation to maintain confidentiality.

3. For the purposes of this Order, “Privileged Information” shall mean any information subject to the attorney-client privilege or similar state, federal or other jurisdictional law privilege, whether such privilege is solely controlled by the Committee or is a joint privilege with the Debtors or some other party.

4. The Committee (whether operating through its members, advisors or other agents) shall not be required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any Confidential Information to any creditor it represents who is not a member of the Committee.

5. The Committee (whether operating through its members, advisors or other agents) shall be required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any Privileged Information to any creditor it represents who is not a member of the Committee. Nevertheless, the Committee shall be permitted, but not required, to provide access to Privileged Information to any party provided that (a) such Privileged Information is not Confidential Information, and (b) the relevant privilege is held solely by the Committee.

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6. Nothing in this Order shall expand, restrict, affirm or deny the right or obligation, if any, of the Committee to provide access, or not to provide access, to any information of the Debtors to any party except as explicitly provided herein.

7. Nothing in this Order shall prevent a creditor from seeking a court ruling on whether information is “Privileged Information” or “Confidential Information” or a court order authorizing the turnover of this information.

Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0312-1
Case: 08-14631

User: dfitzger
Form ID: pdf903

Page 1 of 1
Total Served: 1

Date Rcvd: May 09, 2008

The following entities were served by first class mail on May 11, 2008.
db +Shapes/Arch Holdings L.L.C., 9000 River Road, Delair, NJ 08110-3204

The following entities were served by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2008

Signature:

